

ZBA STAFF REVIEW

Date Received: 7/14/20

PID #: D03110000

ZBA #: 20-00438

Property Address: 7 Bradley Street

Zone: A

Applicant: Don W. Fairbanks

Owner: Jeffery Graybill & Laura Hull



Legal Description of the Project:

Raise house to be FEMA compliant with additions over building and total coverage. Pool over total coverage.

Variances Needed:

13-6 for building & total coverage

6-2.1.2 for change to non-conforming building coverage;

6-2.1.6 for new non-conforming construction

History:

Var. 7366 5/26/15 new house coverage & setbacks- DENIED

Var. 7422 11/10/15 new house coverage & setbacks - APPROVED

No zoning permits were issued.

Does this work constitute New Construction Definitions per §5? Yes ☐ No ☒

Excavation & Fill Appl. Required? Yes ☐ No ☒

P&Z Site Plan/ Special Permit Appl. Required? Yes ☐ No ☒

Is this Application eligible for a Site Plan Waiver per § 43-5.2? Yes ☐ No ☐

CAM? Yes ☒ No ☐ Is CAM Site Plan Required? Yes ☐ No ☒ List Sections: 31-10.6.4

Is ARB review required? Yes ☐ No ☒

For Properties in Flood Zone:

Flood Zone/ Elevation (BFE): AE/11

Proposed First Floor Elevation: 14.8

Existing Average Grade: 6

Additional Height earned per §6-3.3: 5'

Lot Area:

Gross Lot Area: 10000

Net Lot Area: 10000

☐ Wetlands☐ Steep Slopes

ZONE:	Variance?	Conforming?	Proposed	Existing	Required/ Allowed
Building Coverage:	YES	NO	18.3%	18.6%	15%
Total Lot Coverage:	YES	NO	27.9%	24.2%	25%
Setbacks:					
Front:	NO	NO	16.6'	15.5'	30'
Side:	NO	YES	7.5'+	7.5'+	7.5'
Rear:	---	---			

Signs:

Existing:

Required:

Proposed:

Additional Information & Notes:

The existing building coverage is being reduced but a variance is still required as demolition of existing coverage cannot be exchanged for new non-conforming coverage.

Without the pool the total coverage would be conforming (the house would not require a total coverage variance). The grading around the raised terrace will have to be confirmed prior to the issuance of a zoning permit - cannot be more than 3' above grade at any point or will count as total coverage.

The existing house is in the front setback but is allowed to be raised and front entry added in setback, without variance, to become FEMA compliant.

If this variance is granted a non-conversion agreement will be required prior to the issuance of a zoning permit.

This application is now complete

Zoning Official Signature: *Susan Reynolds*

Date: 10/6/20



TOWN OF WESTPORT
PLANNING & ZONING DEPARTMENT
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WESTPORT Z.B.A.

Memorandum

To: WHOM IT MAY CONCERN
From: Mary Young, AICP, Planning and Zoning Director
Date: July 30, 2019
Re: P&Z Commission Sense of the Meeting
RE: Administering §5-2, Building Height definition related to Cupolas

Background

§5-2, Building Height, contains standards for cupolas, clock towers, bell towers and roof ventilators. The cupola standards reads in part as follows:

"The provisions with respect to height shall apply to roof-top mechanical equipment but shall not apply to the following:

- *Cupolas and domes not used for human habitation, clock towers, bell towers and roof ventilators, provided that*
 - *The cumulative square foot area of these structures cannot exceed 5% of the footprint of the roof area of the building on which it is located, or 100 square feet, whichever is less; and*
 - *The structure shall fit within a 10'x10' square; and*
 - *The structure shall not extend more than 5 feet above the ridge of the roof or top of the flat roof on which it is located."*

Administration of the Building Height definition has not been uniform. Since cupolas as described above are exempt from Building Height requirements the P&Z Dept. has encountered creative "work-arounds," from applicants resulting in permits being issued for some cupolas that house stair towers and elevator shafts due to a debate with local architects that these feature do not provide "Human Habitation."

Sense of the Meeting

The Planning and Zoning Commission at their 7/18/19 meeting unanimously agreed to the following:

1. A cupola is an incidental architectural feature designed to provide ventilation and light to a structure.
2. For a cupola to be exempt from §5-2, Building Height, it shall not contain a stair tower or elevator shaft as "Human Habitation" is not permitted.
3. For a cupola to be exempt from §5-2, Building Height, it shall not serve as access to a roof as it is not intended for "Human habitation."
4. For a cupola to be exempt from §5-2, Building Height, it shall not contain Floor Area.
5. Stair Towers and Elevator Shafts are allowed and shall adhere to Building Height Requirements (and are therefore NOT exempt from Building Height requirements).